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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,334	07/12/2001	Paul McAlinden	INTL-0609-US (P11750)	1583

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/904,334	Applicant(s) MCALINDEN, PAUL	
	Examiner Thjuan P. Knowlin	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on May 27, 2005 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-30 are still pending in this application, with claims 1, 11, and 21 being independent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 8-13, 15-19, 21-23, and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Koenck et al (US 6,014,705).
3. In regards to claims 1, 11, and 21, Koenck discloses a cellular telephone (See Fig. 1 and modular terminal unit 10), method, and article comprising: a first processor (See Fig. 2 and application processor 48); a second processor (See Fig. 2 and control processor 49); a first bus (See Fig. 6 and col. 19 lines 45-52) coupling said first and second processors; and a device to selectively bypass (e.g. shutdown) the first processor (See col. 20 lines 53-64, col. 26-27 lines 35-4, and col. 27 lines 5-18).

4. In regards to claims 2, 19, and 29, Koenck discloses the telephone, method, and article, wherein said first processor is an application processor (See Fig. 2, application processor 48, and col. 13 lines 5-9).

5. In regards to claims 3, 10, and 17, Koenck discloses the telephone, method, and article, including a keypad (See Fig. 2, keyboard/display module 12, and keyboard 14), said first processor coupled to said keypad to receive keypad inputs (See col. 12 lines 46-51 and col. 26 lines 51-62).

6. In regards to claims 4, 18, and 27, Koenck discloses the telephone, method, and article, including a display (See Fig. 2, keyboard/display module 12, and display 20, said first processor coupled to said display to provide outputs to said display (See col. 26 lines 51-62).

7. In regards to claims 6, 12, 13, 15, 16, 22, 23, 25, and 26, Koenck discloses the telephone, method, and article, wherein said device selectively bypasses the first processor if the first processor fails to respond (See col. 20 lines 53-64, col. 26-27 lines 35-4, and col. 27 lines 5-18).

8. In regards to claim 8, Koenck discloses the telephone, wherein said telephone includes a keypad, keypad entries being provided to said first processor, said device selectively shunting said keypad entries to said second processor (See col. 26 lines 47-4).

9. In regards to claims 9 and 28, Koenck discloses the telephone and article, including a display, said display coupled to receive outputs from said first processor,

said device to selectively bypass the first processor to provide outputs to said display from said second processor (See col. 27 lines 19-33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. In regards to claims 5, 20, and 30, Koenck discloses all of claims 5, 20, and 30 limitations, except the telephone, method, and article, wherein said second processor is a baseband processor. Koenck, however, does disclose the second processor as being a control processor (See Fig. 2 and control processor 49), which performs the same functions as that of a baseband processor (See col. 13 lines 27-31 and col. 16-17 lines 66-28). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the second processor as being a baseband processor, as a way of transmitting digital signals.

11. In regards to claims 7, 14, and 24, Koenck discloses all of claims 7, 14, and 24 limitations, except the telephone, method, and article, wherein the second processor selectively bypasses the first processor to make an emergency call. Koenck, however, does disclose the second processor being selectively bypassed in the event of a power failure, battery low indication, or other "event" (e.g. emergency) (See col. 20 lines 53-64, col. 26-27 lines 35-4, and col. 27 lines 5-18).

Response to Arguments

12. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koenck et al (US 6,714,983) teach a modular, portable data processing terminal for use in a communication network.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin


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